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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,094	05/31/2001	Kazumasa Sato	450100-03252	9307
20999	7590	05/06/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LU, KUEN S	
			ART UNIT	PAPER NUMBER
			2177	7
DATE MAILED: 05/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,094

Applicant(s)

SATO ET AL.

Examiner

Kuen S Lu

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda (U.S. Patent 6,441,916) and in view of Cristofalo (U.S. Publication 2002/0166119).

As per Claims 16 and 21, Toyoda teaches "receiving means for receiving an electronic mail containing electronic mail sender information" at the Abstract by providing e-mail transmitting and receiving means for a network and accurately notifying the e-mail sender on status of e-mail delivery which implies sender information is included;

Toyoda does not specifically teach "reading means for reading a lookup table including electronic mail account information and a music file corresponding to said electronic mail account information", even though Toyoda teaches extracting e-mail message for analyzing sender ID and content information at Fig. 1, steps 5-6 and col. 2, lines 59-63.

However, Cristofalo teaches reading profile for obtaining user identification and profile information to specifically identify a user or a group of users at Page 1, [0005]-

[0006], presenting targeted programming to a user identified at Page 1, [0007] where the programming includes music programming at Fig. 1 and Page 2, [0018].

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Cristofalo's teaching with Toyoda's by using the profile to store email senders' account information for corresponding to a specific music or melody since the two references are directed to communicating users and obtaining user information from emails. The combined reference would have enabled users of Toyoda's system receiving and identifying email sender or group of senders information by listening to the music programmed to play corresponding to the user or the group of users.

Cristofalo further teaches "retrieving means for retrieving said music file" by presenting programmed music corresponded to user identification received and profile information for user at Fig. 1, steps 12-18 and Page 2, [0018]-[0021].

As per Claims 17 and 22, Toyoda teaches extracting and analyzing email for obtaining sender and text information at Fig. 1, steps 6 and 5.

Toyoda does not specifically teach storing the email sender information into a file.

However, Cristofalo teaches identifying user, retrieving and updating profile at Fig. 8, steps 80-84 where the profile table is utilized for user lookup in order to play pre-programmed music to the specific user or group of users.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Cristofalo's teaching with Toyoda's by using the profile to store email senders' account information for corresponding to a specific

music or melody since the two references are directed to communicating users and obtaining user information from emails. The combined reference would have enabled users of Toyoda's system receiving and identifying email sender or group of senders information by listening to the music programmed to play corresponding to the user or the group of users.

As per Claims 18 and 23, Toyoda teaches "electronic mail account information" is a domain name in said electronic mail sender account at col. 5, lines 50-60 by showing the domain name mgcs.co.jp.

As per Claims 19 and 24, Cristofalo further teaches "music file retrieved by said retrieving means is provided to a player to play said music file" at Page 2, [0021] where music file is played as pre-programmed.

As per Claims 20 and 25, Cristofalo teaches "lookup table is set up in advance" by setting up user profile in advance at Page 1, [0002] by showing user profile information "has been collected about the individual users and groups of users".

2. The prior art made of record

A. U.S. Patent No. 6,441,916

B. U.S. Pub. No. 2002/0166119

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Patent No. 6,212,265

D. U.S. Patent No. 6,556,255

E. U.S. Pub. No. 2004/0030744

F. U.S. Patent No. 6,389,455

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusions

4. THIS ACTION IS MADE FINAL.

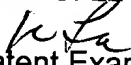
The Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu

Patent Examiner

April 23, 2004


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100